

EXTENSION OF THE CHIEF COURT BUILDINGS AND 1365 THE CHIEF COURT LIBRARY.

and the books are huddled together. There is no proper arrangement and there is no proper indexing. We have only one copy each of the important text books and they will be with the Chief Court Judges. I suggest, there should be more copies of such books. The library should be improved to a great extent because the brain of the Chief Court is in its library. If there is not a good library the judges will not be properly advised about the law and the vakils also will not be able to study the law and help the court. It is highly necessary that the library in the Chief Court should be extended and improved. We must have a first class library in the Chief Court. For this purpose there should be extension of the building. I request that provision will be made in the coming budget itself for this. I therefore commend this for the acceptance of the House.

Mr. V. K. Krishnankutty (*Anthikad.*)—I second it.

Mr. V. K. Aravindaksha Menon (*Chief Engineer*).—The question of extending the library and Registrar's office of the Chief Court has been engaging the attention of the Government for two or three years. I had occasion to prepare an estimate costing 12,000 rupees for the work. It was not possible to find funds till now to take up the work and while I cannot give any definite assurance that the work can be taken up in 1114, I may inform you that every attempt will be made to provide for this work in the next year's budget.

Mr. A. V. Moothedan (*Chalakkudi*).—I do not know whether it is an assurance. Even though I am not satisfied with the answer from the Government, I beg leave of the House to withdraw the motion.

The resolution was, by leave, withdrawn.

Mr. T. K. Nayar (*Pazhayannur*).—I request that the House may be adjourned now.

Mr. A. V. Moothedan (*Chalakkudi*).—I second it.

Motion put and carried.

DISSOLUTION OF THE COUNCIL

Mr. President.—Honourable Members, before adjourning the last sitting of the Legislative Council under the existing constitution, I like to say a few words to express my thanks both as the Dewan and as the President of

the House for the courtesy that the Members have always shown to me personally and to all the Members of Government. Hon'ble Members are aware that with the dissolution of this Council, which will be announced in the gazette to-morrow, Hon'ble Members will go back, some of them to fight the elections and endeavour to come back to the Council and some of them to go back and retire from public life. As one who has passed through all the phases of an election, I can fully appreciate the feelings of every one of the elected Members here, this evening. I have myself tasted the sweets of uncontested elections, I have passed through the strenuous excitement of contests and I have also suffered the bitter pangs of defeat when the constituency said that they did not require my services any longer. What I would like to impress upon Hon'ble Members, as a result of my experience in public life, is, neither to be too elated when one is elected to the legislature nor to be too depressed when one is told that his services are not wanted. I am one of those who firmly believe that every citizen has ample opportunities of rendering service in the State in which he lives whether he is a member of the legislature or not. In fact, though by its very nature and constitution, the doings of public-men in a legislature attract more attention than the doings of citizens in other walks of life, it cannot be gainsaid that amongst those who are outside the legislature are men who do equally great, if not greater service to the public. I would therefore impress upon everyone of you whether you come back as Member of the Council or not, that each one of you would have ample opportunities of rendering faithful and useful service in the State.

The new elections will be held under a new constitution with an extended, a very widely extended franchise. Though the rules relating to the new franchise and the electoral procedure have now been published, we have not yet been able to publish the new constitution under which the new Legislative Council will be functioning. As I hinted to you sometime back, it is the intention of Government to request His Highness to promulgate a comprehensive Constitution Act for this State. The Act under which the Legislative Council is now functioning is an Act which deals exclusively with the powers and responsibilities of the legislature of Cochin. But the new Act that we contemplate would be a more comprehensive Act containing provisions for the constitution of the Government of Cochin. Probably we would have the proud privilege of being the first Indian State which will have such a comprehensive

Constitution Act in vogue. (Hear, hear). It is our intention that advantage should be taken of the promulgation of the new Constitution Act to raise the status of our Chief Court into that of a High Court. We have been actuated in this particularly by the prospects of the coming All-India Federation. I do not know what exactly the prospects of the Federal Constitution are. It is not necessary for us to prophesy anything now about it. But, at any rate, it would be better if we are prepared for all the eventualities that may arise in case the Indian Federation is inaugurated and we agree to join the Federation. Under the federal scheme of the Government of India Act, the administration of the federal laws are in the hands of various judicial bodies including High Courts in India. It is our intention that if we ultimately decide to join the federation to claim that so far as the administration of federal laws in our own territories are concerned, it should be by our own High Court and not by any High Court outside. In other words, we claim, for the Cochin High Court that is to come into existence, the same status and privilege that is enjoyed by High Courts in the Provinces in British India. It is partly with that view that we have decided to raise the status of our Chief Court into a High Court.

Apart from the provisions relating to the Constitution of the High Court, you will find in the new Constitution Act, comprehensive provisions regulating the powers of the Legislative Council and the functions of the executive Government of His Highness. The whole scheme of the Constitution Act will be based on the principle that all powers, both executive and legislative, rest with His Highness and all powers of the Government will be derived from the Act promulgated by His Highness and from rules that will be framed under the Act. When His Highness' memorable announcement was made on the 4th January in the afternoon, about this time, there were those who felt that there was no cause for enthusiasm. But later on, the same night, when I had the opportunity of explaining in greater detail what was in the mind of His Highness the Maharaja in making that announcement people began to feel that after all the announcement is really a memorable step in the right direction. In fact people began to feel and appreciate that the announcement contains elements of a democratic constitution, far more liberal than what may appear in the mere words of the announcement. In subsequent speeches that I had occasion to make, both in this State and outside, I amplified the whole scheme and I think in the minds of at least most

reasonable people, I have dispelled any doubts that might have existed. It is the practice of some people to promise much on paper but do little in practice, while I believe in the efficacy of the other method. Be as cautious as you can when you commit yourselves on paper, and be as liberal as you can when you translate those words into action: that is what will happen in the new Cochin Constitution. If the explanations that I made enabled people to realise that the intention of His Highness is far more liberal than what may be inferred from the words of the announcement you will find that the actual clauses of the Constitution Act are even more liberal than what my speech has indicated (Hear, hear). In its actual working, it will be even more liberal. It is the sincere intention of His Highness that by this new Constitution, His subjects must have a real and effective share in the administration of Government. A good deal of mis-conception was caused when we had to use in the announcement the words "that the new Minister will assist the Diwan in the carrying on of the administration of His Highness' Government". Well, I frankly confessed on another occasion that probably we might have used better words. But there I made it clear that it was not the intention of His Highness that the Minister would in any sense be a subordinate of the Diwan. In fact the whole scheme of the Constitution Act will be such that the Minister and the Diwan will be on an equal footing, servants of His Highness and the State and both subject to the order of His Highness (Hear, hear). And if there is to be any difference of opinion between the Diwan and the Minister, His Highness will be the final authority to settle that dispute. The only difference will be that the Minister will in addition have to be responsible to this House. Even in this matter I would venture to observe that though technically the Diwan may not be responsible to the House, in the sense that his holding of office will not depend upon the vote of this House, yet, it will be my intention to see that in practice, I would so conduct the administration in the reserved field, as if the Diwan is responsible to the legislature (Hear, hear).

The future of the constitution and the future of the Cochin State depend not so much on the gracious attitude taken up by His Highness, not even so much on the effort that might be made by me and by my successors, but upon the way in which the elected Members of this House will discharge their responsibilities. From experience that I have gained during the last three years, I feel confident that we can trust the Members elected to the Cochin Legislature to exercise that responsibility with that seriousness which we expect of them.

There was some doubt entertained whether after all the Minister, since he is to be a nominee of His Highness with the implication that that nomination will be made on the recommendation of the Diwan, may not simply be a creature of the Diwan foisted upon the Legislative Council. I have made it clear that this is certainly not our intention. In fact, nothing will please me more than to see in the first week of June a strong party with an elected majority returned to the Legislative Council with definite leadership. (Hear, hear). In fact my task will be easy and I will give a sigh of relief if the results of the election discloses that. If it is found that it is not possible to say whether any particular party or group has a majority in this House, the person who will have to be most pitied at that time will be the Diwan of Cochin State. I hope that the electorate will not place their Diwan in that sad plight. (laughter).

In taking leave of you as members of the Legislative Council, I would express my appreciation of the courtesy and kindness that you have always shown towards me. I have myself had the privilege of occupying the benches of legislatures as a private member and I have had also opportunities before coming to this State of sitting in the Chair of the Legislature at Delhi and guiding its debates. I know fully well the mutual obligations expected of the members and the Chair. Whatever might have been our differences here as regards policies and programmes of Government—and unfortunately the President of the Cochin Legislative Council has not got that same atmosphere of freedom as the Presidents of other Legislatures—yet, whatever might be our differences, I must confess that I have received nothing but the utmost courtesy and consideration from every Member of this House. I hope, as the President of this House, I have shown the utmost sense of impartiality to all members concerned. I am a great believer in the healthy development of parliamentary traditions. A truly democratic form of Government can be worked successfully only if there are well understood conventions and rules regulating parliamentary practice. I would impress upon you the great importance of the rules and standing orders in the political evolution of this State towards democracy. These rules and standing orders, which at times appear to be irksome are nevertheless the result not of arbitrary imposition of the will of any individual, but the result of experience gained in the Mother of Parliaments and other Parliaments in the world. It has been found that it is only when debate is regulated strictly by certain rules and conventions that the utmost speed will be achieved. After all, the

essence of modern democratic government is that it is a Government not by force, but by discussion. A few people meet in a hall and discuss; and the result is democratic Government. While freedom of discussion is the essence of democracy, restraint upon that freedom on well-recognized lines is an equally important factor in the development of democratic institutions. I do hope that those who will succeed you in this Legislative Council and occupy your places will realise the importance of these rules and standing orders.

It is our intention that not later than the 30th of April the final electoral rolls will be published and not later than the 6th of June, the polling will be held. And by about the 10th of June the results will be announced. Soon after the results are announced, within a few days, the Government will call upon some one of the elected Members to under-take the charge of the Ministry and some time in July we will have the first meeting of the Legislative Council.

With these words, I now take leave of you only in your capacity as Members of the Legislative Council and I express the hope that whether some of you come back to this House or not, I shall always welcome your co-operation and advice in the discharge of my duties as the servant of His Highness and as the servant of the State. (Loud applause).

Mr. A. Sankara Menon (*Trippunithura*).—Mr. President, with your leave, Sir, I wish to speak a few words. Let me say one word in my own behalf first. I am sincerely grateful to all the Hon'ble Members for the confidence they reposed in me when I was elected as Deputy President and for the uniform courtesy and consideration I had from them in the discharge of my duties. I am equally thankful to the official and non-official side of the House for their co-operation throughout, which made my task so easy and so pleasant from the first day to the last.

Hon'ble Members on this side of the House desire, Sir, that I should say a few words on behalf of all of us. I do so with the greatest pleasure. In you, Sir, we have had an ideal President. We always felt that. Freedom and ease we have enjoyed in ample measure in expressing our views and our sentiments. The attention and regard with which our words were listened to, the appreciation of our standpoints and difficulties, the clear statement of your views and the ever ready explanations, for all that and more, we are unable, Sir, sufficiently to thank you.

The life of this Council, the past three years, may I say, is a remarkable period in the History of Cochin. I will not repeat what all things have been attempted and achieved in this short interval. They are all so fresh in our minds. I feel that we can in after years look back with pride upon what has been done; and those that come after us would not hesitate to recall this as an important landmark in the progress of our State. You have just now explained to us what the intention and scope of the New Constitution Act would be; how liberally it would be construed and how liberally it would be worked. We have listened with the greatest attention to every word you said in this behalf, and our gratitude, Sir, knows no bounds for the first great forward step you have so boldly and willingly taken. And may I, Sir, in parting be permitted to refer to the abundant good-will and good understanding evident everywhere today, to our great confidence in you and to the hope in the heart of every one of us that this welcome change in administration, the Government by the Diwan and the Minister would be to the lasting good, to the growing happiness of the people of Cochin.

The Council was dissolved at 4 p. m.

B. V. KRISHNANKUTTY MENON,

Secretary to the Council.
